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DATE MAILED: 04/26/2005

APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,515	17,515 08/26/2003		Matthew Benjamin Studholme	66055-039-7 2720	
25269	7590	04/26/2005		EXAMINER	
DYKEMA			TENTONI, LEO B		
1300 I STRI		E, THIRD FLOOR V	ART UNIT	PAPER NUMBER	
WASHING	,	20005	1732		

Please find below and/or attached an Office communication concerning this application or proceeding.

9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/S8/08)								
Examiner   Art Unit   Loo B. Tenton   1732		Application No.	Applicant(s)					
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  ■ Editeration of time may be available used the provisions of 37 CFR 1.19(o), in no exet, however, may a reply be timely filled state 31K, 69 MONTHS from the mining date of this communication.  ■ The period for reply specified above is leas than thirty (Di) days, a reply within the stately minimum of thirty, 03 days will be considered timely.  ■ The sprind for reply specified above is leas than thirty (Di) days, a reply within the state active of the period for reply specified above is leas than thirty (Di) days, a reply within the state active and the state of the period for reply specified above is leas than thirty (Di) days, a reply within the state active days and the state of the period for reply specified above is leas than thirty (Di) days, a reply within the state active days the state of section of the specified in the specified in the specified into the state of the state of the specified in the specified into the specifi	Office Action Summary		BENJAMIN					
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Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  • Edinability of linear may be available under the previous of 37 CFR 1.136(a). In no event, however, may a reply be timply filed  • Edinability of linear may be available under the previous of 37 CFR 1.136(b). In no event, however, may a reply be timply filed  • If the period for reply is available whole the previous of 37 CFR 1.136(b). In no event, however, may a reply be timply filed  • If NO period for reply is apecified above, the maximum statutory partied will apply and will expire SIX (5) MONTHS from the making date of this communication.  • If NO period for reply is apecified above, the maximum statutory partied will apply and will expire SIX (5) MONTHS from the making date of this communication.  • If NO period for reply is apecified above, the maximum statutory partied will apply and will expire SIX (5) MONTHS from the making date of this communication.  • If NO period for reply specified above, the maximum statutory partied will apply and will expire SIX (5) MONTHS from the making date of this communication.  • If NO period for reply is apecified above, the maximum statutory partied will apply and will expire SIX (5) MONTHS from the making date of this communication.  • If NO period for reply is apecified above, the maximum statutory partied will apply and will expire SIX (5) MONTHS from the making date of this communication.  • If NO period for reply is appecified statutory and will apply and will expire statutory and will be considered.  • If NO period for the maximum statutory partied will apply and will expire SIX (5) MONTHS from the making date of this communication.  • If NO period for the priod for SIX (5) MONTHS from the making date of this communication.  • If NO period for six parties and the statutory statutory and the statutory of the scanning and the scanning statutory.  • If NO period for six parties and statutory statutory and statutory and statutory and s	TL- MAU INO DATE «EAL!»							
THE MAILING DATE OF THIS COMMUNICATION.  Editablists of time may be available under the provisions of 3 CPR 1.13(a). In no event, however, may a reply be timely filed offer SIX (6) MONTIST from the mailing date of this communication.  It No period for reply is specified above, the mainiment studies of period supply within the statutory principal may be paid will be considered filed.  If No period for reply is specified above, the mainiment studies operiod us pays and will experie (xix) (6) MONTIST from the mailing date of this communication.  Fallure to reply within the set of extended period for reply will, by distinct, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Official for that the three maining date of this communication, even if timely field, may reduce any water plates term adjustment. See 57 CFR 1.74(b):  Status  1) MR Responsive to communication(s) filed on 26 August 2003.  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1.32 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) is/are allowed.  6) Claim(s) is/are objected to.  8) Claim(s) is/are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) All b) Some c) None of:  12) Certified copies of the priority documents have been received in Application No.  23) Copies of the certified copies of th								
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U.S. Patent and Trademark Office PTOL-326 (Rev. 1-04) Art Unit: 1732

#### DETAILED ACTION

# Specification

1. The disclosure is objected to because of the following informalities: On page 1, the status of the parent and related applications should be updated.

Appropriate correction is required.

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: PROCESS OF MAKING ACID DYE STAIN-RESISTANT FIBERS.

### Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

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4. Claims 1-30 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 of U.S. Patent No. 6,589,466 B2. Although the conflicting claims are not identical, they are not patentably distinct from each other because use of a terpolymer carrier (including an internal anhydride) and drawing and texturing fibers or yarns would have been obvious to one of ordinary skill in the art at the time the invention was made in the instant process in view of claims 1-13 of U.S. Patent 6,589,466 B2 principally in order to produce articles requiring polyamides with enhanced resistance to staining.

## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo B. Tentoni whose telephone number is (571) 272-1209. The examiner can normally be reached on Monday - Friday (6:30 A.M. - 3:00 P.M.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael P. Colaianni can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Leo B. Tentoni

Leo B. Tentoni
Primary Examiner
Art Unit 1732

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